REMARKS

The Office Action dated February 25, 2005, has been received and carefully noted. The amendments made herein and the following remarks are submitted as a full and complete response thereto.

Allowable Subject Matter

Applicants appreciate the indication of allowable subject matter in claims 9 and 10 of the present application.

Claims 1, 3-5, 7 and 8 Rejected under 35 U.S.C. § 102(e)

Claims 1, 3-5, 7 and 8 were rejected under 35 U.S.C. § 102(e) as being anticipated by Okada et al. (U.S. Patent No. 6,538,559, "Okada"). Applicants respectfully traverse the rejection and submit that each of these claims recites subject matter that is neither disclosed nor suggested by the cited prior art.

Claim 1 recites a vehicular control device comprising, among other things, a portable unit having indicating means for indicating a failure status and decision means for determining the reception of a failure diagnosis signal transmitted to said portable unit instead of said request signal, wherein said indicating means is operated when said decision means determines the reception of the failure diagnosis signal.

Claim 5 recites a vehicular remote control device comprising, among other things, a failure diagnosis means disposed in a vehicle for controlling a portable unit to diagnose the vehicular transmitter for failure by means of transmitting a failure diagnosis signal instead of the request signal from the vehicular transmitter.

It is respectfully submitted that the prior art fails to disclose or suggest at least the above-mentioned features of the Applicants' invention.

The Office Action characterized Okada as allegedly disclosing "a vehicular remote control device including ... an indicating means for indicating a failure status and decision means for determining the reception of a failure diagnosis signal (column 2, line 61-column 3, line 4)."

Applicants respectfully disagree with the Office Action's characterization of Okada, and submit that Okada fails to disclose or suggest each and every element recited in claims 1 and 5 of the present application. In particular, column 2, line 61 – column 3, line 4 of Okada merely provides,

> When the door outer handle is operated or when a wireless code is transmitted from a portable device, it is obvious that the user will operate on the vehicle, and reliable communication can be performed in such cases by increasing the transmitting level of the electric wave.
>
> The inhibition of the transmission of the ID request signal is preferably performed by decreasing the transmission level of the ID request signal, so that the portable device can receive other ID request signals. By suspending transmission of the ID request signals, attempts at fraudulent communication can be restricted.

It is submitted that the cited section of Okada neither disclose nor suggest at least the "indicating means for indicating a failure status and decision means for determining the reception of a failure diagnosis signal transmitted to said portable unit instead of said request signal, wherein said indicating means is operated when said decision means determines the reception of the failure diagnosis signal," and "a failure diagnosis means disposed in a vehicle for controlling a portable unit to diagnose the vehicular transmitter for failure by means of transmitting a failure diagnosis signal instead of the request signal from the vehicular transmitter."

The portable device of Okada merely transmits and receives ID request signals, and does not disclose anything related to a failure diagnosis signal as recited in claims 1 and 5 of the present application.

In the failure diagnosis processing sequence of an example of the present invention, a failure diagnosis mode switching signal, which indicates the initiation of a failure diagnosis mode, is checked whether it has been input from the failure diagnosis device 41 or not. Subsequently, an antenna designation signal, which designates an LF antenna to transmit an LF signal therefrom, is checked whether it has been input from the failure diagnosis device 41 or not. If a failure diagnosis mode switching signal and an antenna designation signal have not been input, then the control goes to the door sensor signal input processing sequence.

If it is judged that a failure diagnosis mode switching signal and an antenna designation signal have been input, then the failure diagnosis processing sequence is continuously carried out. After the failure diagnosis processing sequence is finished, the control goes back to the door sensor signal input processing sequence.

Therefore, according to an example of the present invention, a failure diagnosis means is disposed in the vehicle to diagnose the vehicular transmitter for failures by transmitting a failure diagnosis signal instead of the request signal from the vehicular transmitter. The portable unit of the present invention has an indicating means for indicating a failure status and the indicating means is operated upon reception of the failure diagnosis signal.

During the failure diagnosis process of the present invention in one example, power consumption of the portable unit is relatively low since the portable unit operates the indicating means (LED) only, and does not transmit the response signal. In addition, the user of the portable unit can determine whether a failure has occurred or not based merely on whether the indicating means has operated or not. Thus, a failure diagnosis can readily be performed in the present invention.

Furthermore, the vehicular transmitter and the receiver on the portable unit are components of the present invention to be diagnosed for failures. As the locations diagnosed for failures are narrowed down, it is easy to specify the location of a failure, and therefore the cause of a failure can be analyzed accurately. When the indicating means (LED) of the present invention does not indicate a failure, the portable unit is replaced with another one. If the substitute portable unit does not indicate a failure either, then it can be determined that the vehicular transmitter is malfunctioning.

Meanwhile, Okada does not disclose at least the failure diagnosis process in which the failure diagnosis signal is transmitted instead of the request signal from the vehicular transmitter, and in which the indicating means is operated when the portable unit receives the failure diagnosis signal. Furthermore, Okada neither discloses nor suggests that a failure diagnosis process of the vehicular transmitter is carried out by using the portable unit.

Accordingly, Applicants submit that Okada neither discloses nor suggests each and every element recited in claims 1 and 5 of the present application.

Moreover, to qualify as prior art under 35 U.S.C. §102, a single prior art reference must teach, i.e., identically describe, each feature of a rejected claim. As explained above, Okada fails to disclose or suggest each and every feature of claims 1 and 5. Accordingly, Applicants respectfully submit that claims 1 and 5 are not anticipated by Okada. Therefore, Applicants respectfully submit that claims 1 and 5 are allowable.

As claims 3-4 depend from claim 1, and claims 7-8 depend from claim 5, Applicants submit that each of these claims incorporates the patentable aspects therein, and are therefore allowable for at least the reasons set forth above with respect to the independent claims, as well as for the additional subject matter recited therein.

Accordingly, Applicants respectfully request withdrawal of the rejection.

Claims 2 and 6 Rejected under 35 U.S.C. § 103(a)

Claims 2 and 6 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Okada in view of Tagawa et al. (U.S. Patent No. 5,982,229 A, hereinafter "Tagawa"). Applicants respectfully traverse the rejections and submit that each of claims 2 and 6 recites subject matter that is neither disclosed nor suggested by the cited prior art.

Okada is discussed above. Tagawa is cited for merely "a visual indicator, such as an LED."

As claim 2 depends from claim 1, and claim 6 depends from claim 5, Applicants submit that each of these claims incorporates the patentable aspects therein, and are therefore allowable for at least the reasons set forth above with respect to the independent claims, as well as for the additional subject matter recited therein.

Accordingly, Applicants respectfully request withdrawal of the rejection.

Conclusion

In view of the above, Applicants submit that the present application is in condition for allowance and request the timely issuance of a Notice of Allowance.

If for any reason, the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact the Applicants' undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper has not been timely filed, the Applicants respectfully petition for an appropriate extension of time.

Any fees for such an extension, together with any additional fees that may be due with respect to this paper, may be charged to counsel's Deposit Account No. 01-2300.

Respectfully submitted,

Sam Huang
Registration No. 48,430

Customer No. 004372
ARENT FOX KINTNER PLOTKIN & KAHN, PLLC
1050 Connecticut Avenue, N.W.,
Suite 400
Washington, D.C. 20036-5339
Tel: (202) 857-6000
Fax: (202) 638-4810

SH/vdb